

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

v.

JUN XU and

ELECSURF TRADING LTD.,

Defendants.

Case No. 1:14-cr-00319

Hon. Virginia M. Kendall

JOINT MOTION TO PREPAY RESTITUTION AND FINE

The UNITED STATES OF AMERICA, by its attorney, ANDREW S. BOUTROS, United States Attorney for the Northern District of Illinois, and Defendant JUN XU, by his attorney, ROGER BURLINGAME, hereby respectfully request that the Court enter an order directing the Clerk of the United States District Court for the Northern District of Illinois to accept Defendant JUN XU's restitution payments Defendant ELECSURF TRADING LTD.'s ("Elecsurf") fine payments prior to the official entry of judgment in this case, and in support states as follows:

1. Defendants are scheduled for sentencing on September 8, 2025.
2. Pursuant to Defendant Elecsurf's plea agreement, the agreed Guidelines fine amount is \$1.7 million. Dkt. No. 111.
3. Pursuant to his plea agreement, Defendant Xu's restitution will be approximately \$1,762,856.47. Dkt. No. 108.
4. Defendant Xu's Co-Defendant, Ke Gu, has already paid restitution in the amount of \$310,000.00, for which the defendants are jointly and severally liable. Dkt. No. 86.

5. The Clerk of the Clerk of the United States District Court for the Northern District of Illinois will not accept restitution or fine payments prior to entry of final judgment without a court order.

6. It is in the Court's discretion to allow pre-sentencing payment of assessments prior to the judgment. *See, e.g., United States v. Bell*, No. CR 24-17-M-DWM, 2024 WL 4347889, at *1 (D. Mont. Sept. 30, 2024) (granting defendant's motion to pay restitution prior to sentencing).

7. Defendants Xu and Elecsurf are prepared to pre-pay the remaining restitution amount of \$1,452,856.37 as well as the recommended Guidelines fine of \$1.7 million.

WHEREFORE, the United States and the Defendants respectfully requests an order instructing the clerk of the court to accept a pre-sentencing payment of restitution and the anticipated fine. A proposed order is attached and will be sent separately via email.

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By: /s/ Shawn McCarthy

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Respectfully submitted,

By: /s/ Roger A. Burlingame

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Trading Ltd.*

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[PROPOSED] ORDER

The Clerk for the United States District Court for the Northern District of Illinois is hereby directed to accept restitution payments from Defendant JUN XU and fine payments on behalf of Defendant ELECSURF TRADING LTD. prior to entry of final judgment in this case, 14-cr-00319.

So ordered.

Hon. Virginia M. Kendall

Date

CERTIFICATE OF SERVICE

Roger A. Burlingame, Attorney at Law, hereby certifies that the foregoing motion was served on August 27, 2025, in accordance with Fed.R.Crim.P. 49, Fed.R.Civ.P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

/s/ Roger A. Burlingame

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